

Remarks

Status of Claims

Claims 1-18 were originally filed in the application to which the present case claims priority. These claims were subjected to a restriction requirement. In the present application, Claims 16-18 are pending, and they stand rejected.

Rejections Under 35 U.S.C. 102

Claims 16-18 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,093,869 to Roe et al. ("Roe"). Applicants respectfully traverse this rejection.

The present invention, according to claim 16, is directed to a method of making an absorbent device. In this method, a resilient member having a first arm and a second arm is manipulated into a strained configuration and restrained in such configuration to form an indicator structure. This indicator structure is incorporated into an absorbent body. The first arm has a rough surface, and the restraint is capable of weakening upon exposure to moisture. The resilient member is capable of articulating to a relaxed configuration upon such weakening. The relaxation movement permits the rough surface to traverse the second arm to generate vibration discernible to a user.

In this manner, when the resilient member is exposed to fluid, the restraint softens and weakens to the point where the potential energy of the resilient member overcomes the force exerted by the restraint to keep the first arm and second arm from crossing over. As the two arms traverse, rough surfaces momentarily contact, causing a vibration or scraping sensation.

Roe et al. discloses an absorbent material that swells when absorbing a liquid. This may be used in a sensor structure. When absorbent swells to a threshold level, it mechanically closes a pair of electrical contacts to complete an electrical circuit.

Further, the electrical circuit may trigger an actuator in a discontinuous manner to perform a responsive function on bodily waste contained by the article, the wearer of the article, the article itself, or any component(s) thereof.

The Office Action asserts that Roe:

discloses a method for making an absorbent device comprising the steps of: a) manipulating a resilient member having a first arm having a rough surface and a second arm into a strained configuration; b) applying a restraint to maintain the resilient member in the strained configuration, forming an indicator structure, the restraint being capable of weakening upon exposure to moisture and the resilient member is capable of articulating to a relaxed configuration upon the weakening of the restraint in a movement in which the rough surface of the first arm traverses the second arm to generate vibration discernible to a user; and c) forming an absorbent body containing the indicator structure as set forth in col. 29, lines 21-53.

Applicants are confused by this assertion. Applicants cannot locate a number of the elements allegedly disclosed in this passage. Examples (not necessarily exhaustive) of the missing elements include: “a resilient member having a first arm having a rough surface” and “a movement in which the rough surface of the first arm traverses the second arm to generate vibration discernible to a user.” Applicants respectfully request that the Office identify where Roe discloses these elements.

It is well established that a document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Roe et al. fails to disclose, either explicitly or implicitly, at least two above-noted features recited in independent claim 16, Roe cannot anticipate this claim or any claim dependent therefrom. At least in view of the foregoing, claim 16 is allowable, and the rejection should be reconsidered and withdrawn.

Dependent claims 17 and 18, being dependent from claim 16, are also allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the 102(e) rejection is therefore respectfully requested.

Conclusion

For the foregoing reasons, the present application is now clearly in condition for allowance. Accordingly, favorable reconsideration of the amended claim in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

Respectfully submitted,

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